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UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL THEIR
RESPONSE TO WAYMO'S
SUBMISSION TO SPECIAL MASTER
COOPER REGARDING THE JACOBS
DOCUMENTS**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (“Defendants”) submit this motion for an order to file under seal their Response to Waymo’s Submission to Special Master Cooper Regarding the Jacobs Documents. Specifically, Defendants request an order granting leave to file under seal the following confidential documents:

Document	Portions to Be Filed Under Seal	Designating Party
Uber’s Response	Highlighted Portions	Plaintiff (Green)
Exhibits A-E to the Declaration of Marcie Brimer	Entire Documents	Defendants/Plaintiff
Exhibits A-D to the Declaration of Samuel Cortina	Entire Documents	Defendants/Plaintiff
Exhibit A to the Declaration of Maxwell Pritt	Entire Document	Plaintiff
Rivera Exhibits A-C, E-F	Entire Documents	Plaintiff Defendants (blue highlights)
Rivera Exhibit D	Entire Document	Plaintiff
Rivera Exhibit I	Entire Document	Defendants
Rivera Exhibit J	Blue Highlights	Defendants
Rivera Exhibits L-P	Entire Documents	Plaintiff

Exhibits A-E to the Declaration of Marcie Brimer, and Exhibits A-D to the Declaration of Samuel Cortina, are notes of communications and negotiations between counsel before the Special Master. These conversations were not intended for public disclosure and contain information maintained as confidential by both parties, including technical and business information. The notes describe lengthy private conversations and negotiations that are naturally more candid and informal than a written email communication, and were not transcribed by a court reporter. For all these reasons, Defendants request these documents be filed entirely under

1 seal. (Declaration of Thomas J. Pardini in Support of Defendants' Administrative Motion to File
2 Documents Under Seal ("Pardini Decl.") ¶ 3.)

3 The blue highlights of Rivera Exhibits A, C, E, and F contain highly confidential
4 information regarding the names of Uber's internal servers. Disclosure of this information could
5 compromise the security and privacy of these internal servers. (Pardini Decl. ¶ 4.) The blue
6 highlights of Rivera Exhibit B contain references to highly confidential third party vendors, some
7 of whom have NDAs with Uber. Defendants request this information be sealed to protect these
8 confidential business relationships from disclosure and possible interference from competitors.
9 (Pardini Decl. ¶ 5.)

10 The entirety of Rivera Exhibit I contains confidential information regarding an Uber
11 internal policy regarding network devices, including internal rules and password requirements.
12 Disclosure of this information could allow competitors to acquire inside information about how
13 Uber operates its internal systems and policies, such that Uber's competitive standing could be
14 harmed. (Pardini Decl. ¶ 6.)

15 The blue highlights of Rivera Exhibit J contain contact information of company
16 employees, whose electronic communications may become compromised if this information were
17 disclosed to the public. Defendants seek to seal this information in order to protect the privacy of
18 these individuals because this lawsuit is currently the subject of extensive media coverage.
19 Disclosure of this information could expose these individuals to harm or harassment. (Pardini
20 Decl. ¶ 7.)

21 The green-highlighted portions of Uber's Response, the entireties of Brimer Exhibits A-E,
22 Cortina Exhibits A-D, Pritt Exhibit A, and Rivera Exhibits A-F and L-P contain information that
23 has been designated "Highly Confidential – Attorneys' Eyes Only" or "Confidential" by Waymo
24 in accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective
25 Order"), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing,
26 page 6). Defendants file this material under seal in accordance with Paragraph 14.4 of the
27 Protective Order. (Pardini Decl. ¶ 8.)
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1 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
2 documents at issue, with accompanying chamber copies.

3 Defendants served Waymo with this Administrative Motion to File Documents Under
4 Seal on December 8, 2017.

5 For the foregoing reasons, Defendants request that the Court enter the accompanying
6 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
7 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
8 ATTORNEYS' EYES ONLY."

9
10 Dated: December 8, 2017

MORRISON & FOERSTER LLP

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12 By: /s/ Arturo J. González
Arturo J. González

13 Attorneys for Defendants
14 UBER TECHNOLOGIES, INC. and
15 OTTOMOTTO LLC
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